

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHAD MICHAEL CREEL,

Plaintiff,

v.

SACRAMENTO CO. SHERIFF
DEPARTMENT, et al.,

Defendants.

No. 2:24-cv-1533-KJM-SCR

ORDER

Plaintiff is proceeding pro se in this matter, which was referred to the magistrate judge under Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

On June 20, 2025, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 20. Neither party has filed objections to the findings and recommendations. Plaintiff, however, has filed a “third amended complaint” without asking leave of court or obtaining a stipulation from defendants, *see* Fed. R. Civ. P. 15(a)(1)(B), and before this court had a chance to rule on the magistrate judge’s findings and recommendations, *see* ECF No. 22.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by

1 the magistrate judge are reviewed de novo by both the district court and [the appellate]
2 court. . . .”). Having reviewed the file, the court finds the findings and recommendations to be
3 supported by the record and by the proper analysis. In addition, using its inherent powers to
4 control its own docket, the court strikes plaintiff’s “third amended complaint” for being
5 improvidently filed. *See Dinh Nguy v. Cinch Bakery Equip.*, No. 13-2283, 2015 WL 3937887, at
6 *2 (E.D. Cal. June 26, 2015) (citing *Anthony v. BTR Auto. Sealing Sys.*, 339 F.3d 506, 516
7 (6th Cir. 2003)).

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations filed June 20, 2025, are adopted in full;
- 10 2. Defendant SCSD and Cooper’s motion to dismiss (ECF No. 12) is **granted** and the
11 *Monell* claims against those defendants are dismissed without leave to amend;
- 12 3. Plaintiff’s “Third Amended Complaint” (ECF No. 22) is **stricken**; and
- 13 4. Plaintiff is granted leave to file an Amended Complaint in order to name one or both of
14 the deputies involved in the January 8, 2024 incident and clarify the facts underlying his
15 claims.

16 This order resolves ECF No. 20.

17 IT IS SO ORDERED.

18 DATED: July 31, 2025.

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21 UNITED STATES DISTRICT JUDGE
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